

**District V Advisory Board
Meeting Minutes
August 04, 2008
www.wichita.gov**

The **District V Advisory Board Meeting** was held at 6:30 p.m. at the Auburn Hills Golf Course Clubhouse, 443 S. 135th St. W. In attendance were twelve (12) District Advisory Board members, seven (7) staff and forty-six (46) citizens with four (4) signing in.

Members Present

Councilman Jeff Longwell
Mike Hill
Joey Ellzey
Darrell Leffew
Clarke Sandberg
Jay Buckmaster
Bryan Frye
Dana Brown
Pat Ream
Jay Flinn
Mike Bell
Logan Fritz- Youth Member

Staff Present

Chris Carrier, Public Works
Gary Janzen, Public Works
Carl Haas, Public Works
Derrick Slocum, Planning
Officer Lori Kimrey, WPD
Battalion Chief Lawson, WFD
Megan Buckmaster, Neighborhood Assistant

Guests

Listed on last page

Members Absent

Kelly Watkins

Order of Business

Call To Order

The meeting was called to order at 6:32 p.m.

Motion was made to approve the minutes from the July 07, 2008 meeting. Motion passed 9-0*.

Motion was made to approve the revised agenda for the August 04, 2008 meeting. Motion passed 9-0.*

*Pat Ream not in attendance at this time

Public Agenda

1. Scheduled items

No items scheduled

2. Off Agenda items

No items

Staff Presentations

3. Community Police Report

Officer Lori Kimrey, Community Police, reported on crime stats on beats: 16, 18, 19, and 199. She announced National Night Out occurring on Tuesday, August 5th. Out of all block parties registered with the city, 1/3 of them were on the West side. **Beat 16:** There will be a citizens meeting on Thursday, September 11th, at 1:30 p.m. on the 10th floor of City Hall to discuss the proposed tavern (Country Thunder- country bar) establishment trying to locate at Town West Shopping Center. **Beat 18:** @330 S. Tyler- crime trends of auto thefts. There has been an increase in policing in the area and the number of crimes reported has decreased. **19 and 199:** There continues to be an increase in auto larceny and open garage door burglaries. Police will implement a “sting” operation from August 7-14th from 7 p.m.-5 a.m.

Action: Receive and file.

4. Wichita Fire Department Report

Fire Battalion Chief Lawson reported on Fire Department concerns and issues: Fire Station #21 is under construction at 135th and 21st St. The footprint is complete, foundation is complete and the first level of blocks is in. Fire station #17 on Maple just west of Maize Rd. is requesting Capital funds from Council to continue Tender 17, the City’s only water tanker.

Joey Ellzey thanked Station #17 for attending the Maple Dunes Neighborhood get together recently.

Action: Receive and file.

Old Business

5. ZON2008-00022

Derrick Slocum, Planning, provided information on the request for a city zone change from “SF-5”, Single Family Residential to “LC”, Limited Commercial located at the southeast corner of Ridge Road and University Avenue. This case was before DAB V on June 2, 2008. The DAB voted to defer the case for 30 days and return to DAB V in July to give residents and applicant/agent the opportunity to meet and try to resolve some of the issues in this case. The applicant asked for another deferral in July until the August DAB V meeting. The case was heard at the July 22nd MAPC meeting where it was approved 10-0. There were no public comments at that meeting. 65% protests to the case have been submitted and are still current. There has been no re-application by the applicant. This case will go to Council on September 9, 2008 for final action if the DAB makes a recommendation to do so.

Dana Brown commented/ questioned that the DAB had originally deferred the case because they wanted more resolution between the applicant and the residents. Had that happened? **Slocum** responded that it had not happened.

Balbir Mathur, 421 S Summitlawn, spoke on behalf of several residents. By only developing two of the eight properties, it would affect the value of the other properties. Please do not allow only two properties to be developed.

Larry Cook, 1829 W. 13th, Developer, wants to develop all lots. Started process with Mr. Potter, resident. He could not work out a deal with the other residents because he needs all eight properties to meet tenant's needs. Has a meeting with listing agent next week.

Phil Meyer, agent for the applicant, commented on some activity in the case. The listing agent, Lisa Lowry, hired an architect to design a sketch involving 4 properties. She could not work a deal with 4 properties because she was told 2 of the 4 were under contract with another entity.

George Weaver, 401 S Summitlawn, stated that Lisa Lowry, listing agent/ applicant, has not made an offer on his property. He is now under contract with Mr. Cook. He requests that the DAB to deny this case until four lots can be developed.

Councilmember Longwell commented if Meyer's client had 4 lots to the North and Cook had 4 lots to the South could cross lot circulation work? **Cook** responded that he did not think Lowry wanted that much land. **Longwell** asked Cook if he could work with the 6 available lots. **Cook** responded that was a possibility.

Meyer, agent for the applicant, made several comments: The surrounding 6 properties are not in the plan. These six owners could have filed for a zone change request as well. To deny this request doesn't make sense because it does not include all eight properties. The zoning is not the issue the DAB seems to be concerned with. The development is the issue and that is not what the request is about. The DAB has two scenarios to consider: 1. Approve the zoning; 2. Give the parties more time with another deferral.

Ellzey commented that the DAB had asked the parties to work something out 60 days ago and it had not happened. That is an issue.

Lisa Lowry, 150 N Market, listing agent/ applicant, made several statements. She has had several conversations with Mr. Cook and the problem is that 2 different tenants are involved at this point. Both agents have made promises to their tenants. The North end of the properties is more valuable so "swapping" or compromising will give someone the lesser deal.

Slocum made a comment regarding the original request before the DAB. This is a request for a zone change, not who and what is to be developed.

CM Longwell commented on the sewer line that runs from North to South that splits the property line. Typically walls are put up between commercial and residential properties: in this case, because of where the sewer line exists, the wall cannot happen.

Ellzey asked if it was possible to re-zone all 8 properties as “LC” but allow some properties to remain residential. **Slocum** answered yes.

Brown asked what type of businesses could be developed under the LC zoning. **Slocum** responded “LC” almost allows for any office, personal care, personal improvement, restaurant, retail, service station, residential or multi family, single or assisted living. A Protective Overlay can be added to the zoning to stop some types of usage. **Brown** asked if a bar/ tavern could go in. **Slocum** responded that it would need a Conditional Use permit to allow for that.

Jay Buckmaster asked about the masonry wall. Does it have to be constructed during the platting process? **Slocum** responded yes.

Darrell Leffew asked to abstain from the vote due to a conflict on this item.

A motion to recommend approval of the project was made. The motion passed with a vote of 9-0-1(abstention).

Action: to move forward to City Council for vote.

New Business

6. Project to improve 37th Street between Maize and Tyler Road

Gary Janzen and Carl Haas, Public Works, provided information on the project details. 37th Street, from Maize Road to Tyler Road, is currently a two-lane asphalt mat road with drainage ditches. The south half of this road is in the City of Wichita, with the north half in the City of Maize. The proposed improvement consists of a five-lane roadway with two through-lanes in each direction and a center two-way left turn lane. Drainage improvements will be included with the project with landscaping in the available right-of-way. Sidewalks will be included on both sides of 37th. Left turn lanes will be provided at all four approaches to the 37th Street and Maize Road intersection, with a three lane approach on the west and five lanes at all other approaches. Signals will be installed at the intersection if warranted at the time of construction. To allow for minimum construction time for completion of the project, 37th Street will be closed during construction. Local access only will be provided to all affected properties. The project is scheduled to be bid in early 2009. Seven months of construction is expected with completion planned for fall of 2009. Recent traffic counts showed 2000 vehicles per day in this area. Estimated 2030 counts do not show much of an increase. The current budget in the CIP is \$1,700,000 to be paid by General Obligation bonds, and a matching amount from the City of Maize.

Bryan Frye asked about a median placement at the center turn lanes. **Janzen** responded that there is no plan for any medians. There is a possibility of a raised median at Maize Rd. There will be full center turn lanes going both directions. **Frye also** asked who takes care of the Right of Way on the south and north side? **Janzen** responded there would have to be an agreement

with the City of Maize. This situation has happened in the past with a Tyler Rd intersection where the City signed over the R.O.W to the City of Maize to take over maintenance. **Frye** also asked about maintenance of landscaping. **Janzen** responded that the contractor is responsible for the trees behind the curbs for the first year- this is standard practice.

Mike Bell asked when the traffic counts were taken, during the school year or not? **Janzen** responded he did not know exactly when they were taken just in the last 6 months.

Ellzey asked whether or not the school buses access 37th St. **Janzen** responded yes.

Brown asked if the City of Maize is supportive of this plan. **Janzen** responded that Maize does support this plan/ project but agreements need to be worked out on funding and maintenance.

Jay Flinn presented his concern for a stop light at 37th and Maize Road. due to the beginning of school and the increase in traffic especially teenage drivers. **Janzen** responded that most likely there will be a traffic signal at that location, but traffic counts have to be warranted. **Janzen** also commented that there will be an addition of a private road constructed by the school district at both Maize and Tyler. There is a possibility of traffic signals at both of these intersections. **Flinn** continued with his concerns about the traffic on Tyler Rd. He is concerned with the bottleneck at 29th and Tyler and would like to see improvements made at that intersection.

Ellzey asked who controls the speed limits on Maize at 37th St. **Janzen** responded the City of Wichita sets the speed limits there. **Ellzey** requested these be re-evaluated.

Michael Faulkner, 11014 Sterling, complimented the Public Works Department for their vision in this project and asked the DAB to support. He also requested speed limits be looked at.

Bill Savage, no address given, asked about how much additional land will be needed for the R.O.W. He owns the first 10 acres West of Tyler Rd on 37th. **Janzen** responded an additional 20 feet.

A motion to recommend approval of the project was made. The motion passed with a vote of 10-0.

Action: Motion passed to recommend City Council approval.

7. CUP2007-00044

Derrick Slocum., Planning, provided information on request DP-307, the creation of a new Community Unit Plan to permit single-family residential, patio homes, two-family residential, townhomes, assisted living and independent living. The general location of the property is south and east of the intersection of 13th Street North and Ridge Road. The site is currently zoned SF-5 Single-family Residential ("SF-5") with a Conditional Use (CON2003-48) that permits "community assembly," subject to specific development conditions. Access to the site is via a divided median entrance off of 13th Street located on property currently owned by the City of Wichita and managed by the Board of Park Commissioners. The applicant and Park Board have

been in talks to trade property in return for an access through the site. The applicant is offering to construct a bike path through the Park Board's land and the subject site, extending from 13th Street to Central Avenue. This request was approved at the MAPC meeting on the 24th of July.

Terry Smith, agent for the applicant, noted that he has had several meetings with Spinnaker Coves HOA, Country Acres HOA, the Planning Department and the Park Board.

Pat Ream, asked about the access of the development to 13th. What kind of access will it be? Smith responded that he hopes there is a need for a stoplight, but that will be determined by the City.

Judith Avers, 1158 Sandplum, expressed two concerns over the access onto 13th. Currently it is tough enough to get onto 13th or Ridge. Now you plan on adding more drivers, elderly drivers. Second, regarding the access to Hazelwood, how can this road be gated and locked just for emergency use. What would stop someone from using it? **Mike Hill** responded to her concern. The gate at Hazelwood would be padlocked and only accessible for fire/ police service. The access points onto 13th and Central would be coded gates.

Ellzey asked if at the coded gates would there be security. **Smith** responded he was not sure if these gates would be manned. Consultants from retirement communities have been engaged in the planning and would be asked about this.

Frye commented this is a challenging property. It has an odd shape and sensitive issues. This development will fill a need. This type of housing will increase as the population ages.

Mr. Reed, 1311 N Northshore, expressed his concern for the elevation of the property in regards to flood control at the south end. **Smith** responded this property is in a flood plain area. It will be filled in. Complete flood studies will be administered and neither residents nor the lake will be compromised.

A motion to recommend approval of the request was made. The motion passed with a vote of 10-0.

Action: Motion passed to recommend City Council approval.

8. ZON2008-00033

Derrick Slocum, Planning, provided information on the request for a City Zone change from SF-5 (single family) to MF-29 Multi-family Residential at the general location north of Central, west of the Big Ditch. The surrounding area is a mix of single and multi-family uses and zoning, along with commercial uses and zoning. The proposed use is for a multi family dwelling. This request conforms to the goals and objectives of the residential land use category of the Wichita-Sedgwick County Comprehensive Plan.

Due to the location of the subject site, the whole property is located within a flood zone. In the case of this site, it is located in two different zone categories. The west half of the subject site is considered a floodway in Zone AE, with the majority of the east half of the property being

categorized in Zone X which describes property that is protected by a levee. Drainage issues will have to be addressed during the platting process, during which time a drainage study will be required.

Developers have agreed to leave 110 feet of the northern property adjacent to Spinnaker Coves as SF-5: Single family residential and add landscaping to act as a buffer to current residents.

Brown asked if the west half of the property was considered in the flood way? **Slocum** responded yes, the development would only take place in Zone X.

Terry Smith, agent for the applicant, mentioned this is a continuation of the previous case: CUP2007-00044. The applicant is currently conducting engineering studies to determine what and where development can occur. They do know east of the pond and west of the burm is buildable. The applicant is conscious about the impact to the Spinnaker Coves homeowners.

Bill Barnes, 6519 School Circle, raised some concerns. 1. Drainage- if apartments are built to but up against current homes in cul-de-sac that will cause a drainage problem. 2. Because of the drainage issues near the ditch are there any regulations against building? **Smith** responded there are no regulations.

Dennis Pagenkopt, 6511 W School Cir., commented on the number of acres on this property: 40.6: if 17 acres are deemed buildable, house lots would take 2 acres, condo's 5 acres and a road 2 acres. That leaves only 7-8 acres to build 200+ units of apartments. Also mentioned was the bridge/ road/ bike or walking path- if this is included then public would have access to cut through Spinnaker coves. There are too many unanswered questions. He would like to see the bridge eliminated from the development, apartments not exceeding 2 stories and a burm built between Spinnaker Coves and the development.

A motion was made to recommend approval of the request and to have the legal description changed to include the 110 feet of the northern property left as SF-5: Single Family Residential. The motion passed with a vote of 10-0.

Action: Motion passed to recommend City Council approval.

9. ZON2008-00036

Derrick Slocum, Planning, provided information on the request for an amendment to Protective Overlay PO-130 to eliminate the prohibition on drive-through service, to increase the permitted size of restaurants from 2,000 to 5,000 square feet in size, and to increase signage from 72 square feet with a 12-foot height limit to 132 square feet with a 16.5-foot height limit. The general location is one-quarter mile east of 135th Street West, South of Maple Street. The proposed use is for a drive through coffee shop and a 5000 square-foot restaurant.

The applicant has met with three property owners located to the east of the subject site and reports no opposition to this request. Several other neighbors have called staff opposed to this request, and one neighbor e-mailed staff with opposition to the request. Neighborhood opposition of this request appears to be a response to the numerous actions which loosened

development controls on this site over time; this current request should have less affect on the residential neighbors to the east than previous changes to PO-130. The proposed sign increase and small coffee drive-through are located west of the existing building, and will not be visible from properties east of the site. The requested increase in restaurant size could produce more trash and accompanying odors; therefore a requirement of solid dumpster screening for restaurants could mitigate these concerns.

Clarke Sandberg asked what type of drive thru and how many square feet would be located on this property? **Michael Monteferrante, 301 N Main, agent for the applicant**, responded the drive thru would be a “Scooters Coffee Shop” using less than 2000 square feet.

Mike Hill asked to abstain from the vote due to a conflict on this item.

Michael Monteferrante, 301 N Main, agent for the applicant, made several comments about the request: The tenant wants to put a grill restaurant which needs more than 2000 sq feet. Also, the tenant has agreed to add a concrete weigh station that will house trash and grease containers.

Brown clarified that there would be no additional building in this strip mall; the request is just to add additional restaurant zoning.

Ellzey reported the concerns of area residents in Maple Dunes. Residents were concerned with additional trash and the concealing of trash receptacles. **Monteferrante** responded that the “trash house” would be added with or without this case approval.

Ellzey also mentioned the neighbors concerns over hours of operation for the grill restaurant. He would like to see added to the Protective Overlay a limit to closing hours to protect any future tenant from changing hours. **Monteferrante** responded tenants could be willing to work with a midnight closing time.

A motion was made to recommend approval of the request and to have the hours of operation, closing no later than 12:00 midnight, added to the Protective Overlay. The motion passed with a vote of 8-1-1(abstention).

Action: Motion passed to recommend City Council approval.

Board Agenda

Board Updates and Issues

CM Longwell: none

Joey Ellzey- National Night Out Block Party/ Cookout- Maple Dunes, August 5th

Bryan Frye- National Night Out Ice Cream Social- Ridgeport, 7:30 p.m. August 5th. **Frye** also asked the status of the 29th Street project between Tyler Rd and Maize Rd. None of the landscaping work has happened. **Buckmaster** said she would follow up.

Megan Buckmaster: PROS Survey results are now available on the City website: www.wichita.gov. The Smoking Ordinance Public Campaign kicked off today, August 4th and will run all month. More information is available on the City website: www.wichita.gov. The DAB V Skybox party is on Tuesday, August 12th @ 6:30 p.m. If you have not RSVP'd to Megan please do so ASAP. If you know of a new officer in an HOA or NA group please let Megan know.

Action: Receive and file.

With no further business, the meeting adjourned at 8:42 p.m.

Respectfully submitted,
Megan Buckmaster, Neighborhood Assistant

Guests

Dennis Pagenkopt	6511 School Circle
Bill Barnes	6519 School Circle
Elle Reed	1311 N. North Shore
Michael Faulkner	11014 Sterling